IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

CRP.No. 2290 of 1994(H)

IA 2634/93 IN AS.377/1988 of D.C , TRIVANDRUM

.....

PETITIONERS/ REVN. PETITIONERS 1 TO 7

1. KALIYAMBI PEETHAMBARAN, VARUVILAKATHU PUTHEN VEEDU, POONTHURA MUTTATHARA VILLAGE, TRIVANDRUM.

2. BHARGAVI KRISHNAMMA, HOUSE WIFE OF DO. DO.

3. J.LALITHA OF DO.

4. P.V.VIJAYAKUMAR OF DO.

5. P.V.ANISHKUMAR OF DO.

6. P.V.AJITHKUMAR OF DO.

7. L.CHITHRA, DO. DO.

ADDL.PETITIONERS 8 TO 12 IMPLEADED AS AS LEGAL HEIRS OF THE DECEASED 2ND PETITIONER VIDE ORDER DT.13/2/2001 ON CMP 591/01

ADDL.P8 VISWAMBHARAN SURESH KUMAR, AGED 39 YEARS
VARUVILAKATH PUTHEN VEEDU, POONTHURA VILLAGE,
TRIVANDRUM 26.

ADDL.P9 KRISHNAMMA JALAJAKUMARI AGED 35 YEARS, OF DO.

ADDL.P10 KRISHNAMMA SHOBHANAKUMAR AGED 33 YEARS, 33 YEARS DO.

ADDL.P11 KRISHNAMMA SHEELAKUMARI, AGED 30 YEARS, DO. DO.

ADDL.P12 VISWAMBARAN JAYAN, AGED 27 YEARS, DO. DO.

BY ADV. SRI.L.MOHANAN

RESPONDENTS/RESPONDENTS 1 TO 8:

1. LEKSHMI THANKAMMA, PUTHIYAVILAKATHY VEEDU, KOLLAMKODE VILLAGE, VILAVANCODE TALUK HAVING LEKSHMIVILASOM HOUSE MUTTATHARA VILLAGE, TRIVANDRUM

2. B.NATARAJAN OF DO.

3. B.BALAN OF DO.

4. B.SOMAN OF DO.

5. B.NAGENDRAN OF DO.

6. B.RAJENDRAN OF DO.

7. T.NAGAMMA, PUTHUVAL VEEDU, POONTHURA DO.

8. PHILIPOSE, PALLIVILAKOM PURAYIDOM, DO.

NAME OF IST RESPONDENT IS DELETED SINCE RESPONDENTS 2 TO 7 WHO ARE LEGAL REPRESENTATIVES ARE IN THE ARRAY OF PARTIES VIDE ORDER DT.23/6/99 ON CMP 1731/99

R2 TO R4, 6 & 7 BY ADV. SRI.G.S.REGHUNATH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/08/2007, ALONG WITH CRP NO.2294 OF 1994 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

C.R.P .NO.2290 & 2294 OF 1994

Dated 14th August 2007

O R D E R

These revision petitions are filed challenging the dismissal of the applications filed by petitioners, who are appellants in A.S.376 of 1988 and A.S.377 of 1988 on the file of District court, Thiruvananthapuram under Rule 1 of Order 47 of Code of Civil Procedure. First appeals were filed by revision petitioners. Appeals were dismissed. Review petitions were filed before first appellate court contending that when appeals were heard it was observed that the matter will be remanded and instead the appeals were dismissed and therefore judgment of first appeals are to be reviewed. Learned District Judge dismissed both applications. The common order is challenged in respective revision petitions. Revision petitioners filed S.A.707 of 1994 and S.A.806 of 1994 challenging the judgment of first appellate court.

2. Question whether the suit is to be remanded to the trial court or whether the judgment of first

appellate court is sustainable are to be decided in those second appeals. Therefore revision petitions are dismissed with liberty to raise the contentions raised in the revision petitions in the second appeals.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

==========

M.SASIDHARAN NAMBIAR,J.

ORDER

C.R.P.NOs.2290 & 2294

OF 1994

14th August 2007

==========